

# OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

*Edited by*

**FRANCIS HEMMING, C.M.G., C.B.E.**

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## OPINION 526

Direction that *Lestodiplosis* be treated as the Valid Original Spelling for the generic name published by Kieffer in 1894 both with the above spelling and with the spelling *Leptodiplosis* (Class Insecta, Order Diptera)

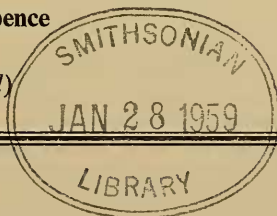
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# INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

## COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 526

### A. The Officers of the Commission

*Honorary Life President* : Dr. Karl JORDAN (*British Museum (Natural History), Zoological Museum, Tring, Herts., England*)

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*President* : Professor James Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*)  
(12th August 1953)

*Vice-President* : Senhor Dr. Afranio do AMARAL (*Sao Paulo, Brazil*) (12th August 1953)

*Secretary* : Mr. Francis HEMMING (*London, England*) (27th July 1948)

### B. The Members of the Commission

(*Arranged in order of precedence by reference to date of election or of most recent re-election as prescribed by the International Congress of Zoology*)

Professor H. BOSCHMA (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*)  
(1st January 1947)

Senor Dr. Angel CABRERA (*La Plata, Argentina*) (27th July 1948)

Mr. Francis HEMMING (*London, England*) (27th July 1948) (*Secretary*)

Dr. Henning LEMCHE (*Universitetets Zoologiske Museum, Copenhagen, Denmark*) (27th July 1948)

Professor Teiso ESAKI (*Kyushu University, Fukuoka, Japan*) (17th April 1950)

Professor Pierre BONNET (*Université de Toulouse, France*) (9th June 1950)

Mr. Norman Denbigh RILEY (*British Museum (Natural History), London*) (9th June 1950)

Professor Tadeusz JACZEWSKI (*Institute of Zoology, Polish Academy of Sciences, Warsaw, Poland*) (15th June 1950)

Professor Robert MERTENS (*Natur-Museum u. Forschungs-Institut Senckenberg, Frankfurt a.M., Germany*) (5th July 1950)

Professor Erich Martin HERING (*Zoologisches Museum der Humboldt-Universität zu Berlin, Germany*) (5th July 1950)

Senhor Dr. Afranio do AMARAL (*S. Paulo, Brazil*) (12th August 1953) (*Vice-President*)

Professor J. R. DYMOND (*University of Toronto, Toronto, Canada*) (12th August 1953)

Professor J. Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*) (12th August 1953) (*President*)

Professor Harold E. VOKES (*University of Tulane, Department of Geology, New Orleans, Louisiana, U.S.A.*) (12th August 1953)

Professor Béla HANKÓ (*Mezőgazdasági Múzeumi, Budapest, Hungary*) (12th August 1953)

Dr. Norman R. STOLL (*Rockefeller Institute for Medical Research, New York, N.Y., U.S.A.*) (12th August 1953)

Mr. P. C. SYLVESTER-BRADLEY (*Sheffield University, Sheffield, England*) (12th August 1953)

Dr. L. B. HOLTHUIS (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*) (12th August 1953)

Dr. K. H. L. KEY (*Commonwealth Scientific and Industrial Research Organisation, Canberra, A.C.T., Australia*) (15th October 1954)

Dr. Alden H. MILLER (*Museum of Vertebrate Zoology, University of California, U.S.A.*) (29th October 1954)

Doc. Dr. Ferdinand PRANTL (*Národní Museum v Praze, Prague, Czechoslovakia*) (30th October 1954)

Professor Dr. Wilhelm KÜHNELT (*Zoologisches Institut der Universität, Vienna, Austria*) (6th November 1954)

Professor F. S. BODENHEIMER (*The Hebrew University, Jerusalem, Israel*) (11th November 1954)

Professor Ernst MAYR (*Museum of Comparative Zoology at Harvard College, Cambridge, Massachusetts, U.S.A.*) (4th December 1954)

Professor Enrico TORTONESE (*Museo di Storia Naturale "G. Doria", Genova, Italy*) (16th December 1954)

## OPINION 526

**DIRECTION THAT "LESTODIPLOSIS" BE TREATED AS THE VALID ORIGINAL SPELLING FOR THE GENERIC NAME PUBLISHED BY KIEFFER IN 1894 BOTH WITH THE ABOVE SPELLING AND WITH THE SPELLING "LEPTODIPLOSIS" (CLASS INSECTA, ORDER DIPTERA)**

**RULING :—**(1) It is hereby directed that of the two Original Spellings *Lestodiplosis* and *Leptodiplosis* Kieffer, 1894 (Class Insecta, Order Diptera) the spelling *Lestodiplosis* be treated as the Valid Original Spelling.

(2) The under-mentioned generic name is hereby placed on the *Official List of Generic Names in Zoology* with the Name Number 1311 :—

*Lestodiplosis* Kieffer, 1894 (gender : feminine) (type species, by original designation : *Lestodiplosis septemguttata* Kieffer, 1894).

(3) The under-mentioned specific name is hereby placed on the *Official List of Specific Names in Zoology* with the Name Number 1575 :—

*septemguttata* Kieffer, 1894, as published in the combination *Lestodiplosis septemguttata* (specific

name of type species of *Lestodiplosis* Kieffer, 1894).

(4) The under-mentioned generic name is hereby placed on the *Official Index of Rejected and Invalid Generic Names in Zoology* with the Name Number 1209 :—

*Leptodiplosis* Kieffer, 1894 (ruled under (1) above to be an Invalid Original Spelling for *Lestodiplosis*).

#### I. THE STATEMENT OF THE CASE

On 5th March, 1956 Dr. D. Elmo Hardy (*University of Hawaii, College of Agriculture, Honolulu, Hawaii*) addressed to the Office of the Commission a preliminary note on the question as to which of the spellings *Lestodiplosis* and *Leptodiplosis* Kieffer, 1894 (Class Insecta, Order Diptera) should be accepted as the Valid Original Spelling for the name concerned and on 16th April of the same year he submitted the following definitive application on this subject to the International Commission for consideration :—

**Proposed acceptance of “*Lestodiplosis*” as the Valid Original Spelling for the Generic Name spelled both in this way and as “*Leptodiplosis*” by Kieffer in 1894 (Class Insecta, Order Diptera)**

By D. ELMO HARDY

(*Department of Zoology and Entomology, University of Hawaii, Honolulu, Hawaii*)

The object of the present application is to ask the International Commission on Zoological Nomenclature in the interest of stability

in nomenclature to give a Ruling as to which of the Original Spellings *Lestodiplosis* and *Leptodiplosis* is to be accepted as the Valid Original Spelling for the generic name published with the above spellings by Kieffer in 1894 (Class Insecta, Order Diptera).

2. The foregoing generic name was introduced by Kieffer in the *Bulletin de la Société entomologique de France* for the year 1894. It appeared in two different sets of notes. In the first it appeared (: 28) with the spelling *Leptodiplosis*; in the second (: 280) with the spelling *Lestodiplosis*. The two sets of notes appeared in the same number of the *Bulletin*. The type species of this genus is *Lestodiplosis septemguttata* Kieffer, 1894 (*Bull. Soc. ent. France* 1894 : 280) by original designation.

3. It is clear that the spelling *Lestodiplosis* was that intended by Kieffer, for he used this spelling consistently in all his subsequent publications relating to the gall fly midges. This spelling was used by him in several papers published in 1895. The first of these was published in January 1895 (*Wien. ent. Z.* 15 : 2, 13, 14) and it appears that this was the first use of either spelling subsequent to the original publication of this name in the previous year.

4. The spelling *Leptodiplosis* was employed without any reference to the spelling *Lestodiplosis* by Coquillet in 1910 (*Proc. U.S. nat. Mus.* 37 : 559). Neave also in 1939 (*Nomencl. zool.* 2 : 925) cited this name as "*Lestodiplosis* 'err. pro *Lepto*- Kieffer, 1894'". Subject to these isolated exceptions, the spelling *Lestodiplosis* has been used consistently throughout the taxonomic literature of the family CECIDOMYIIDAE.

5. Although, as explained in paragraph 3 above, it is likely that the spelling *Leptodiplosis* was the result of an inadvertent error, there is no clear evidence that this is so, and in consequence, the Valid Original Spelling under the Rules prescribed by the Copenhagen Congress (1953, *Copenhagen Decisions zool. Nomencl.* 43—44, Decision 71(1)(a)(ii)) is "that one of the Original Spellings used by the *First Subsequent User* of the name". As shown above (paragraph 3) Kieffer in his paper of January 1895 was himself the "First Subsequent User" of this generic name. Accordingly, as he then used the spelling *Lestodiplosis*, that spelling is the Valid Original Spelling. In order to prevent any misconceived usage of the spelling *Leptodiplosis* by future authors, the Commission is now asked to give a Ruling that for the reasons explained above the spelling *Lestodiplosis* is the Valid Original Spelling for this generic name.

6. The genus *Lestodiplosis* Kieffer which, as stated in paragraph 4 above, belongs to the family CECIDOMYIIDAE, has not been taken as the base for the name of a family-group taxon below the family level. Accordingly, no family-group-name problem arises for consideration in the present case.

7. The proposal now laid before the International Commission on Zoological Nomenclature is that it should :—

- (1) give a Ruling that of the two Original Spellings *Lestodiplosis* and *Leptodiplosis* Kieffer, 1894 (Class Insecta, Order Diptera) the Valid Original Spelling is *Lestodiplosis*, in view of the fact there is no clear evidence that either of the above spellings was the result of an inadvertent error and that the above was the spelling used by the First Subsequent User (Kieffer, January 1895) ;
- (2) place the under-mentioned generic name *Lestodiplosis* Kieffer, 1894, on the *Official List of Generic Names in Zoology* (gender : feminine) (type species, by original designation : *Lestodiplosis septemguttata* Kieffer, 1894) ;
- (3) place the under-mentioned specific name on the *Official List of Specific Names in Zoology* : *septemguttata* Kieffer 1894, as published in the combination *Lestodiplosis septemguttata* (specific name of type species of *Lestodiplosis* Kieffer, 1894) ;
- (4) place the under-mentioned generic name on the *Official Index of Rejected and Invalid Generic Names in Zoology* :— *Leptodiplosis* Kieffer, 1894 (an Invalid Original Spelling for *Lestodiplosis*).

## II. THE SUBSEQUENT HISTORY OF THE CASE

**2. Registration of the present application :** Upon the receipt of Dr. Hardy's preliminary enquiry the question of which of the two spellings *Lestodiplosis* and *Leptodiplosis* Kieffer, 1894 (Class Insecta, Order Diptera) should be accepted as the Valid Original Spelling was allotted the Registered Number Z.N.(S.) 1078.



**3. Publication of the present application :** The present application was sent to the printer on 20th April 1956 and was published on 24th August of that year in Part 6 of Volume 12 of the *Bulletin of Zoological Nomenclature* (Hardy, 1956, *Bull. zool. Nomencl.* **12** : 176—177).

**4. No Objection Received :** No objection to the action proposed in the present case was received from any source.

### III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

**5. Issue of Voting Paper V.P.(57)20 :** On 28th February 1957 a Voting Paper (V.P.(57)20) was issued in which the Members of the Commission were invited to vote either for, or against, “ the proposal relating to the generic name *Lestodiplosis* Kieffer, 1894, as set out in Points (1) to (4) in paragraph 7 on page 177 of Volume 12 of the *Bulletin of Zoological Nomenclature* ” [i.e. in the paragraph numbered as above in the paper reproduced in the first paragraph of the present *Opinion*].

**6. Support received from R. L. Coe (British Museum (Natural History), London) during the Prescribed Voting Period :** On 2nd April 1957 Mr. R. L. Coe, (*British Museum (Natural History) London*) addressed the following communication to the Office of the Commission intimating his support for the action proposed in this case :—

Regarding the proposal to validate the generic names *Campsicnemus* Haliday and *Lestodiplosis* Kieffer in the Order Diptera, I am strongly in favour of acceptance.

**7. The Prescribed Voting Period :** As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 28th May 1957.

**8. Particulars of the Voting on Voting Paper V.P.(57)20 :** At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(57)20 was as follows :—

(a) *Affirmative Votes had been given by the following twenty-four (24) Commissioners (arranged in the order in which Votes were received) :*

Lemche ; Holthuis ; Hering ; Mayr ; Bonnet ; Vokes ; Key ; Mertens ; Boschma ; Jaczewski ; Riley ; Prantl ; Bodenheimer ; Dymond ; Esaki ; Kühnelt ; do Amaral ; Bradley (J.C.) ; Cabrera ; Hemming ; Sylvester-Bradley ; Tortonese ; Stoll ; Miller ;

(b) *Negative Votes :*

None ;

(c) *Voting Papers not returned, one (1) :*

Hankó.

**9. Declaration of Result of Vote :** On 29th May 1957, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(57)20, signed a Certificate that the Votes cast were as set out in paragraph 8 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.



**10. Preparation of the Ruling given in the present "Opinion":**

On 18th April 1958 Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(57)20.

**11. Original References for Generic and Specific Names :** The following are the original references for the generic and specific names placed on *Official Lists* and *Official Indexes* by the Ruling given in the present *Opinion* :—

*Leptodiplosis* Kieffer, 1894, *Bull. Soc. ent. France* **1894** : 28

*Lestodiplosis* Kieffer, 1894, *Bull. Soc. ent. France* **1894** : 280

*septemguttata*, *Lestodiplosis*, Kieffer, 1894, *Bull. Soc. ent. France* **1894** : 280

**12. Family-Group-Name Aspect :** No family-group-name problem arises in the present case, the applicant having reported (in paragraph 6 of the application submitted) that the generic name *Lestodiplosis* Kieffer, 1894, has not been taken as the basis for a family-group name and that the genus so named is currently placed in the family CECIDOMYIIDAE.

**13. Compliance with Prescribed Procedures :** The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the undersigned Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

**14. "Opinion" Number :** The present *Opinion* shall be known as *Opinion* Five Hundred and Twenty-Six (526) of the International Commission on Zoological Nomenclature.

DONE in London, this Eighteenth day of April, Nineteen Hundred and Fifty-Eight.

*Secretary to the International Commission  
on Zoological Nomenclature*

**FRANCIS HEMMING**